
New Hampshire
Department of Environmental Services
2008 ANNUAL REPORT

Fiscal Year Ended June 30, 2008

Pursuant to RSA 20:7



December 2008



Cover photo: "Waterfall" by Julie Joslin, DES



New Hampshire
Department of Environmental Services
2008 Annual Report
Fiscal Year Ended June 30, 2008

Pursuant to RSA 20:7

Prepared by

James Martin, Public Information Officer
Patricia H. Gruttemeyer, Asst. Public Information Officer

December 2008

Thomas S. Burack, Commissioner
Michael J. Walls, Assistant Commissioner
Susan Carlson, Chief Operations Officer
Robert R. Scott, Director, Air Resources Division
Michael Wimsatt, Director, Waste Management Division
Harry T. Stewart, P.E., Director, Water Division

John Lynch, Governor
Raymond S. Burton, Executive Councilor
John D. Shea, Executive Councilor
Beverly A. Hollingworth, Executive Councilor
Raymond J. Wieczorek, Executive Councilor
Debora Pignatelli, Executive Councilor

29 Hazen Drive
Concord, NH 03302-0095
(603) 271-3503
www.des.nh.gov



Introduction



I am pleased to release the New Hampshire Department of Environmental Services 2008 Annual Report. This was an especially productive and important year for DES. In addition to remaining focused on our essential mission, the department also embarked on a bold, new strategic planning effort to explore what a 21st century environmental agency should look like.

Instead of a traditional program-by-program assessment, we stepped back and posed a seemingly simple question: "Looking back 20 years from now, what will people say that DES and the state of New Hampshire did to protect the state's exceptional quality of life?" The answers we came up with in response to this question were indeed eye-opening.

To affirm our approach and some of our early findings, we took this and other questions to our public through an on-line, non-scientific survey, to which we received over 1,000 responses. I want to thank everyone for their frank and thoughtful insights. Know that you have most certainly influenced our thinking. While we are still evaluating the survey results, they have already affirmed our belief that DES and its many partners will have to approach things very differently in the years ahead if we are to effectively and sustainably deal with the serious root issues of climate change, energy use, and the safeguarding of the state's natural resources as our state's economy and population continues to grow and we experience development-related pressures.

We are at a turning point as a state, and DES can no longer accomplish its broad mission alone, or with a narrow focus on a few thousand regulated businesses and municipalities. Today's problems are more complex than ever, and are largely a by-product of our collective modern lifestyles. We have learned it is not enough to provide information to the public and assume the environment will be protected or improved. We must find ways to translate awareness into stewardship, and develop broader accountability for, and personal commitment to, environmental quality. It will take unprecedented levels of accountability, stewardship, and personal responsibility.

I hope that you find the 2008 Annual Report informative, and encourage you to visit our website at www.des.nh.gov to learn more about the department's many programs and initiatives, and to weigh in on our new strategic plan. There's much good work to be done together! I look forward to working strategically and collaboratively with all who will join with us at DES in the years ahead to ensure that New Hampshire remains the special place that it is for generations to come.

Thomas S. Burack, *Commissioner*



Table of Contents

Introduction ii

DES Mission Statement, Strategic Plan Framework and Guiding Principles 1

FY 2008: Year in Review 3

Summary of 2008 Environmental Legislation Tracked by NHDES 15

Organizational Charts 23

Receipts and Expenditures for FY 2007 28

Disbursements to Cities and Towns 29

Personnel Data 29

Physical Plant and Property Appraisal 29



Mission, Strategic Plan Framework & Guiding Principles

MISSION

The mission of the Department of Environmental Services is to help sustain a high quality of life for all citizens by protecting and restoring the environment and public health in New Hampshire.

2009-2020 STRATEGIC PLAN FRAMEWORK

A set of seven aspirational goals that DES is striving to achieve within the next five to 20 years:

Strategic Direction 1:

DES and its partners are proactively addressing the issue of climate change and energy use in New Hampshire.

Strategic Direction 2:

DES and its partners are effectively protecting New Hampshire's natural resources that contribute to our high quality of life, as the state continues to grow.

Strategic Direction 3:

DES employs integrated pre-application, permitting and enforcement approaches across all of its programs, and operates in a cooperative and integrated manner with its sister local, regional, state and federal agencies.

Strategic Direction 4:

New Hampshire's environment is improving, with DES remaining focused on environmental results and reporting them in an understandable and transparent manner.

Strategic Direction 5:

Environmental compliance is high in New Hampshire, supported by partnerships, widespread accountability, and a broad environmental stewardship ethic.

Strategic Direction 6:

DES provides exceptional customer service.

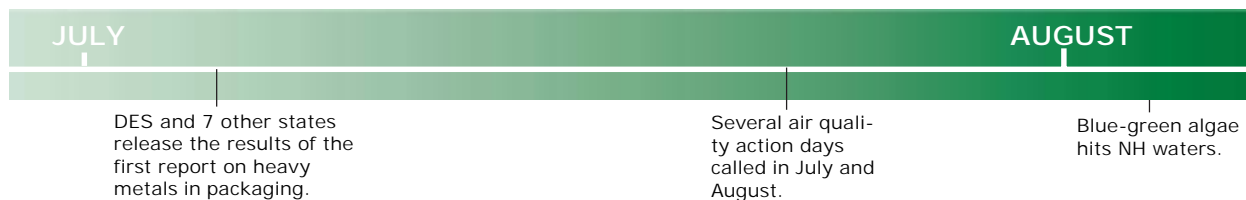
Strategic Direction 7:

DES is one of the most desirable employers in state government.

DES GUIDING PRINCIPLES

The Department of Environmental Services will carry out its mission in partnership with the public, businesses, government, environmental community, and many other organizations by:

- * Promoting mutual respect and effective, straightforward communications, within and outside of the agency.
- * Providing timely and consistent responses to all customers.
- * Encouraging meaningful opportunities for public participation in meeting its responsibilities.
- * Integrating environmental quality, public health and safety, and economic vitality, and considering the concerns and aspirations of all citizens, while pursuing its responsibilities under the law.
- * Striving for high levels of effectiveness in all operations based on a commitment to continuous improvement and an openness to innovative approaches.
- * Facilitating scientifically and technically sound, cost effective, and environmentally appropriate solutions.
- * Leading the state government's environmental and sustainability initiatives.
- * Considering the long-term, cumulative, and cross-media effects of its policies, programs, and decisions.
- * Fostering environmental awareness and stewardship through education, outreach, and assistance.
- * Affording fair and equitable treatment of all New Hampshire citizens in the implementation of federal and state environmental laws, rules, programs, and policies, and in the management of the agency.
- * Maintaining a work environment that attracts and retains the most dedicated and talented staff.
- * Minimizing environmental and human health risks to the greatest extent possible, especially for our most vulnerable populations.



FY2008: Year in Review

JULY 2007

Air Quality Advisories. During July and August 2007, state officials called for various air quality action days, advising sensitive individuals in the pertinent areas to take health precautions by limiting prolonged or heavy exertion. Unhealthy air quality is due to the persistence of high temperatures under sunny skies and light winds transporting pollution into New Hampshire from surrounding regions. In 2008, the U.S. Environmental Protection Agency tightened the ozone standard. As a result, DES expected to see an increase in air quality action days.

Toxic Heavy Metals Found In Packaging, in Violation of State Laws. In July 2007 DES joined with seven other states in releasing the results of the first comprehensive report on heavy metals in packaging. Between October 2005 and February 2006 the Toxics in Packaging Clearinghouse (TPCH) screened 355 packages for the presence of four restricted metals: lead, cadmium, mercury and hexavalent chromium. A follow-up report prepared by the TPCH announced that 16 percent of retail packaging failed a screening test for toxic heavy metals and were likely in violation of state laws.

Companies selling or distributing packaging that failed the screening test were notified of the test results and requested to certify compliance with state toxics in packaging laws, or to notify TPCH of non-compliant packaging and discontinue the sale and distribution of the packaging.

According to Sharon Yergeau, DES, "States like New Hampshire entered into enforcement mode only in cases where companies were unresponsive." She also stated that, "We were willing to educate companies about the laws, but not willing to be ignored, which is a violation of the law. Companies are required to respond to the state's requests for certificates of compliance within 60 days."

Cyanobacteria Advisories. During the summer of 2007 DES issued numerous bacteria advisory for New Hampshire water bodies. These included: County Pond, Newton; Granite Lake, Nelson; Showell Pond, Sandown; Sondogary Pond, Northfield; Willand Pond, Somersworth; Baboosic Lake, Amherst; Forest Lake, Winchester; French Pond, Henniker; Horace Lake, Weare; and Keyser Pond, Henniker. DES routinely monitors beaches for cyanobacteria, or blue-green algae. Cyanobacteria are natural components of many water bodies in New Hampshire.

AUGUST

Coastal beaches have a banner year.

CEI selected to help with state water resources plan.

State settles with Tuccis in AoT/ wetlands suit.

When cyanobacteria bloom, they often form surface scums, and many cyanobacteria contain toxins that can cause both acute and chronic health effects. DES monitors and inspects public beaches throughout the state to better protect public health. Public beaches are monitored weekly, biweekly or monthly.

AUGUST 2007

DES Backs Successful Youth

Conservation Corps. On August 17 the Acton Wakefield Watershed Alliance celebrated the successful completion of the Youth Conservation Corps' second year. Funding for the Acton Wakefield Watershed Alliance YCC was provided by a grant from DES with funding from the US Environmental Protection Agency under Section 319 of the Clean Water Act. The YCC spent the prior two summers preserving water quality and enhancing the shorelines of the lakes, ponds, rivers and streams in Wakefield, N.H., and Acton, Maine.

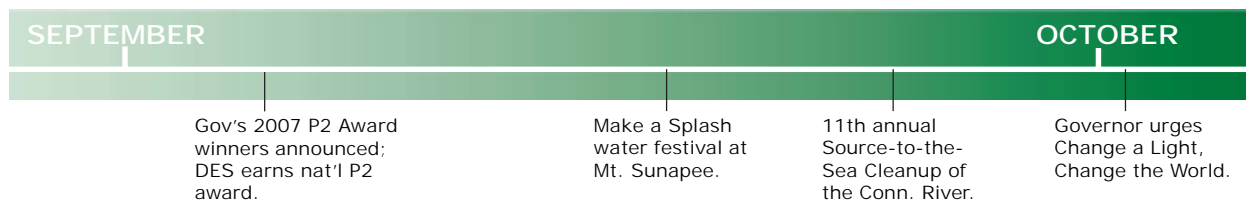
Coastal Beaches Have a Banner Year. On August 24 the DES Beach Program announced that, despite some hot days and thousands of visitors, New Hampshire's coastal beaches remained clean throughout the 2007 summer. The DES Beach Program monitors all state public beaches for bacteria and public health issues. The New Castle Town Beach was the only beach that posted an advisory during the 2007 summer. The advisory lasted for two days before the waters were within the state standards for public beaches.

DES Selects CEI to Help With State Water Resources Plan. In August 2007 DES selected Comprehensive Environmental

Inc. of Merrimack to assist in Phase I of the State Water Resources Plan. Phase I involves preparing an overview of existing statewide water resources, the measures taken to protect those resources, and the additional measures needed. The document will include input from various DES programs as well as community stakeholders. The report will help guide development of a statewide water resources plan, which will help ensure that the state has a sufficient quantity of high quality water for all needs, as well as the necessary protection of this essential environmental resource.

State Settles with Tuccis in AoT/ Wetlands Suit. In August 2007 the Merrimack County Superior Court approved a settlement between the state and defendants Ralph and Gail Tucci to resolve violations of the state's terrain alteration and wetland laws. The settlement included a total civil penalty of \$80,000 and a requirement to restore the impacted area to the state's satisfaction.

The state alleged that the Tuccis violated state laws by clearing and grading more than 100,000 square feet of land without a DES permit. The Tuccis also impacted over two acres of streams and wetlands. They had originally failed to comply with an Administrative Order issued by the state to stabilize and restore the area. However, after appearing before the Merrimack Superior Court in January 2006, the Tuccis agreed to abide by the state's requirements. Following the January 2006 Merrimack Superior Court appearance, the Tuccis worked on restoring impacted areas.



Due to their efforts at restoration, the state agreed to suspend \$60,000 of the total civil penalty provided the Tuccis did not violate state laws again, and provided they completed an additional project designed to enhance wildlife in the area.

SEPTEMBER 2007

2007 Pollution Prevention Award Winners. On September 21 Gov. John Lynch presented New Hampshire Ball Bearings of Laconia and Public Service of New Hampshire with the annual Governor's Award for Pollution Prevention, which recognizes outstanding pollution prevention practices in businesses and organizations.

New Hampshire Ball Bearings manufactures spherical and rod end bearings for the aerospace industry. The company has dedicated itself to establishing and maintaining a world class environmental management system that includes internal and external commitments to reduce its environmental footprint.

PSNH, New Hampshire's largest electric utility, serves more than 490,000 customers statewide. PSNH converted one of its facilities into a wood burning plant, which reduced the use of coal by more than 130,000 tons a year.

DES Commissioner Tom Burack presented Monadnock Paper Mills, New Hampshire Adjutant General's Department, Ripano Stoneworks Ltd. and Southeastern Container with honorable mention awards.

Water Education Event Makes Splash. On September 28, 300 New Hampshire students gathered at Mount Sunapee State Park during a festival hosted by DES to

learn about the importance of water. Fourth and fifth grade students and teachers from Kearsarge Regional Elementary School, Sutton Central School and Simonds School attended the festival, which was part of the nation's largest single-day water education event. Approximately 100 cities and towns across the U.S. hosted Make a Splash festivals.

Source-to-the-Sea Cleanup. In September 2007 the DES Rivers Program encouraged volunteers to join in the 11th Annual Source-to-the-Sea Cleanup of the Connecticut River. The cleanup took place on September 29, and was coordinated by the Connecticut River Watershed Council.

DES Earns National MVPP Award. In September the New Hampshire Department of Environmental Services was awarded the National Most Valuable Pollution Prevention Award from the National Pollution Prevention Roundtable (NPPR) in recognition of its continuous efforts to promote the reduction of waste, and to build working relationships with motor vehicle salvage yards. The awards were presented at a ceremony held in Washington, D.C., during National Pollution Prevention Week. The mission of NPPR is to provide a national forum for promoting the development, implementation, and evaluation of efforts to avoid, eliminate or reduce pollution at the source.

October 2007

Governor and DES Encourage Change a Light. Gov. John Lynch proclaimed "Energy Star Change a Light, Change the World Day" October 3, as part of a nationwide effort to encourage people to switch to Energy Star

OCTOBER

Fourteen-acres of land preserved on coast.

Fire at Mohawk Tannery Superfund site in Nashua.

State joins largest Clean Air Act settlement.

light fixtures or bulbs. These products save money and energy, and most importantly, prevent greenhouse gas emissions by meeting strict energy efficiency criteria set by the U.S. Environmental Protection Agency and U.S. Department of Energy. DES organized recognition efforts in New Hampshire.

Fourteen-Acre Land Preservation on Coast. On October 3 the Hampton Falls Conservation Commission announced the acquisition and protection of 14 acres of land. The property was located next to the pre-existing 21-acre Marsh Lane Preserve, which enlarged the natural area to 35 acres. The easement allows non-motorized public access on the site. The land's purchase cost \$225,000 with \$175,000 coming from the town of Hampton Falls conservation fund, and \$50,000 from a New Hampshire Coastal Program grant.

2006 Municipal Recycling Rates. In early October DES released the 2006 solid waste recycling rates for all New Hampshire municipalities. Overall, the state municipal recycling rate averaged 20.6 percent. Municipal solid waste budgets total over \$100 million for the state and the per capita expense to dispose of solid waste was approximately \$77.

DES estimates that the total municipal budget could be reduced by \$1 million for every 1 percent increase in the rate. Municipalities can increase recycling by educating their residents in effective recycling and by instituting incentive programs such as pay-as-you-throw.

Lancaster and Littleton, both of which have pay-as-you-throw programs, had the

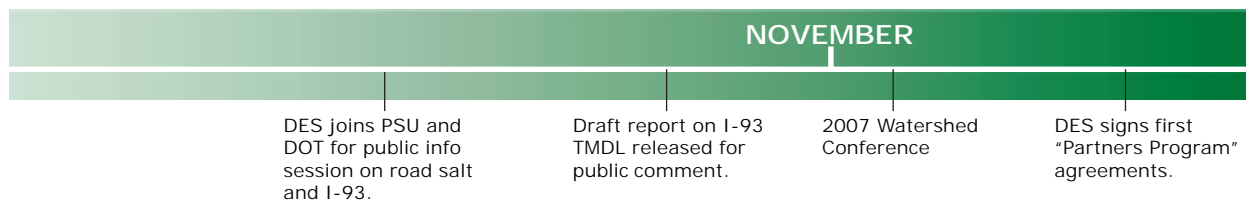
highest recycling rates. The towns of Lyme, Goshen and Canterbury had recently started pay-as-you-throw programs, and as of October were seeing remarkable increases in recycling as well as decreases in overall cost to dispose of waste.

Fire at Mohawk Tannery Superfund Site. On October 7 DES and the U.S.

Environmental Protection Agency responded to a 5 a.m. fire at the Mohawk Tannery in Nashua. DES and EPA assisted local officials and the fire department on scene. The age of the building presented concerns that asbestos may have been used in its construction. DES and EPA later announced that the analytical test results indicated no health risks from exposure to the debris associated with the fire. And none of the 12 debris samples collected from neighboring properties tested positive for asbestos fibers.

State Joins Largest Clean Air Settlement. On October 9 Atty. General Kelly A. Ayotte and DES Commissioner Thomas Burack, announced that New Hampshire joined with the federal government, states and environmental groups in recommending court approval of a settlement of Clean Air Act violations that would result in the largest emissions reductions in history with one of the nation's largest utilities, American Electric Power Inc. The settlement, if approved by the court, will result in massive reductions of air pollution from Midwestern coal-fired power plants that have degraded New Hampshire's air quality.

The settlement culminates seven years of litigation with AEP over alleged violations of "New Source Review" or "NSR" provisions



of the federal Clean Air Act. The NSR provisions require power plants to upgrade pollution controls when they make any major changes that would increase air emissions. The governments and environmental groups filed suit against AEP in Ohio, alleging that AEP had constructed life extension projects at many of its coal-fired plants without controlling increased pollution levels, resulting in acid rain and smog in downwind areas. New Hampshire, along with seven other northeastern states, the EPA and several environmental groups have been engaged in intensive settlement discussions while awaiting a court decision on liability for the alleged violations.

"Eat Healthy Fish" Promoted. During October DES worked closely with Shaw's Supermarkets across the state to help pregnant women make the right choices when buying fish for themselves and their children. Due to confusion regarding the mercury warnings and fish consumption, many people including some pregnant women had avoided eating fish altogether. DES felt there was a need to correct the risk perception regarding mercury and fish consumption. DES urged the public to "eat healthy fish" in moderation rather than eliminating it from their diet.

I-93 Focus Group. In October DES partnered with Plymouth State University's Center for the Environment and the New Hampshire Department of Transportation in holding two focus groups to discuss the application of road salt along the I-93 corridor in southern New Hampshire. The purpose of the focus groups was to gather information about driver's expectations for road conditions during winter weather, as

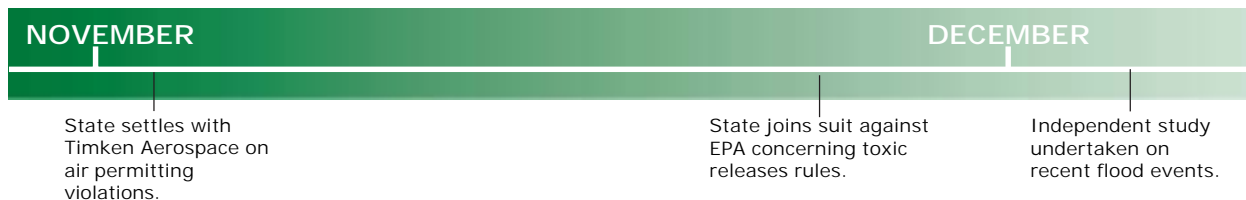
well as their feelings regarding roadside water quality. The focus groups were open to year-round residents of New Hampshire, and were held in Windham and Concord.

Draft Report on I-93 TMDL Released for Public Comment. In late October the Draft Total Maximum Daily Load (TMDL) Studies for chlorides in two New Hampshire streams in the I-93 corridor from Massachusetts to Manchester, N.H., were available for public review and comment. One report was for the Policy Porcupine Brook in Salem-Windham. The other report was for the North Tributary to Canobie Lake in Windham. DES listed the surface waters as impaired because of high chloride concentrations that violated state surface water quality standards. The primary source of chloride to the watersheds was road salt. Chloride concentrations greater than state standards can be harmful to fish and other aquatic life.

NOVEMBER 2007

2007 Watershed Conference. The annual 2007 Watershed Conference, sponsored by DES, New Hampshire Lakes Association and the New Hampshire Rivers Council, took place on November 17. The conference had six tracks with 18 informative sessions, and six workshops on "Managing Our Watersheds," "Effecting Change," "Organizational Development," "Tech Time," "Ecology," and "GIS." Attendees had the opportunity to network with local river advisory committees lake associations, volunteer monitoring groups, watershed associations, and other organizations.

DES Signs First "Partners Program" Agreements. On November 3 DES and the



New Hampshire Association of Conservation Commissions signed a partnership agreement to further their common goals of environmental education and the protection of the state's natural resources. The partnership agreement was the first to be signed as part of the new Partners Program that DES initiated with a wide range of organizations across New Hampshire. Prior to this partnership, DES and NHACC had worked in partnership on a wide range of matters, including wetlands education and permitting, aquatic resource mitigation, source water protection, designated rivers and shoreland protection.

In early December DES also signed a partnership agreement with New Hampshire Rivers Council for the same goals as the agreement with NHACC. DES had also previously worked in partnership with NHRC in hosting the annual Watershed Conference, instream flow protection, economic value studies, designated river designation and shoreland protection.

State Settles with Timken Aerospace on Air Permitting Violations. In late November, the Grafton County Superior Court issued an order approving a \$154,000 settlement between the state and MPB Corporation d/b/a Timken Aerospace. The state's case against Timken alleged that it violated air pollution rules and permit conditions. The list of violations included operating a waste oil boiler for six months without a permit, burning waste oil that did not meet certain permit specifications, and failing to submit emission reports or pay emission fees in a timely manner.

Although Timken did not admit to any of the state's allegations, it took significant

measures to ensure that similar problems would not occur in the future. The terms of the settlement provided that Timken would pay a civil penalty of \$154,000 to the state's general fund. In addition, the company committed to implementing an environmental management system and surrendering its air permit to DES.

State Joins Suit Against EPA Concerning Rules on Toxic Releases. On November 28 Attorney General Ayotte and DES Commissioner Burack announced that New Hampshire had joined with 11 other states in a lawsuit against the U.S. Environmental Protection Agency for adopting rules that greatly reduce public access to information on toxic releases from industry. In New Hampshire alone, the new rule exempted 75 percent of the facilities that used to submit detailed information to the state on their toxic releases. Attorney General Ayotte commented that "The rule would hinder state and local efforts to protect New Hampshire's citizens from toxic releases."

DECEMBER 2007

Independent Study Undertaken on Recent Flood Events. On December 3 DES announced that an independent evaluation would be performed to determine the specific causes of flooding that had recently taken place in New Hampshire, and also provide recommendations to improve water management procedures and dam operations to reduce the impacts from future flooding. The evaluation was requested by Gov. Lynch following the floods that devastated southern New Hampshire in April 2007.



The final results of the evaluation were presented in May 2008. As part of the study, the engineering firm determined the causes of the flood in the Piscataquog, Souhegan, Soucook, Suncook, Contoocook, Cocheco, Lamprey, Oyster, Salmon Falls and Isinglass river basins. The team also examined the policies, programs and mechanisms for coordination of flood control operations and notification of flood-prone areas; assessed the effects of dam operations on flood conditions in the Salmon Falls, Souhegan, Piscataquog, and Suncook basins; and determined the differences between the April 2007 flood and other recent flood events in these basins, including the May 2006 flood. Based on the results of the evaluations, the team provided recommendations for any remedial, protective or management measures that would help mitigate the effects of flooding in the future.

Governor Announces Climate Change Task Force. On December 6 Governor John Lynch announced members of a new Climate Change Task Force of which DES Commissioner Tom Burack was named chairman. Gov. Lynch charged the task force with establishing goals for reducing greenhouse gas emissions and recommending steps New Hampshire can take to meet those goals. Recommendations by the task force would also help New Hampshire achieve Gov. Lynch's goal of ensuring 25 percent of our energy comes from renewable sources by 2025.

Aspiring Leaders Program Initiated. In early December Gov. John Lynch, DES Commissioner Tom Burack, EPA Region 1 officials and New Hampshire business

leaders invited the public to a press event to announce the new Aspiring Leaders program at DES. The Aspiring Leaders program is a component of a comprehensive Environmental Leadership Initiative that DES implemented to promote better environmental management in the Granite State.

Podcasts Added to Website. In early December, DES added a new audio clip/podcast feature to its website. The audio clips webpage helps to diversify the way in which DES can relay important environmental information to the public. Audio clips currently available include the Commissioner and Laura Knoy on New Hampshire Public Radio's "The Exchange," and an overview of the Regional Greenhouse Gas Initiative. Future plans include streaming video links to further expand the types of multi-media information available on the website. To tune in, go to www.des.nh.gov/media/av/index.htm.

Coastal Program Accepts Grant Applications. In early December DES's New Hampshire Coastal Program began accepting applications for the 2008 competitive grant round. Through federal funding, NHCP enables projects that address coastal resources, such as water quality protection, public access and education. Grants were offered on a competitive basis to eligible applicants, and at least a one-to-one match was required. No more than \$40,000 would be awarded to any construction or land acquisition project, and no more than \$30,000 would be awarded for any planning or management project. The funds were available to NHCP through the National Oceanic and Atmospheric Administration,

DECEMBER

DES partners with EPA's WaterSense program to promote water conservation.

Seabrook fined for open burning violations.

NH picked for exclusive EPA grant to protect water resources.

Venture Construction fined for hazardous waste violations.

Office of Ocean and Coastal Resource Management, pursuant to the Coastal Zone Management Act of 1972.

WaterSense Promotes Water

Conservation. DES has partnered with EPA and its WaterSense program to actively promote water conservation measures to New Hampshire communities and their residents. The aim of the EPA program is to decrease indoor and outdoor non-agricultural water usage through high efficiency products and simple water-saving practices. The program helps customers identify water-efficient products in the marketplace that have been independently certified for efficiency and performance and promotes water-saving techniques that reduce stress on water systems and the environment. WaterSense labels products that meet EPA's criteria for efficiency and performance. In early December the town of Lincoln joined the WaterSense program to help its citizens conserve water for future generations.

Seabrook Fined for Open Burning

Violations. On December 17 DES Commissioner Tom Burack announced the execution of an Administrative Fine by consent with the town of Seabrook. The settlement resolved violations of open burning regulations under the State's Air Pollution Control Act that occurred at the Seabrook transfer station.

Cities and towns in New Hampshire are authorized to burn only brush and untreated wood at their transfer stations. After receiving a complaint that the town of Seabrook was burning non-conforming materials, DES visited the transfer station on two different occasions and observed

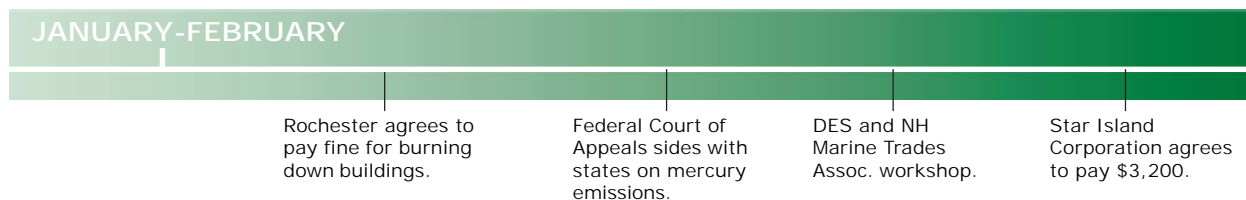
violations on both visits. To resolve these violations of state law, the town agreed to a fine of \$3,501. The terms of the settlement required the town to make a \$2,000 cash payment to the state. The remaining \$1,501 was suspended contingent upon no violations by the town of environmental laws and rules for two years.

Brits Visit N.H. to Discuss Climate Change.

In mid-December four members of the British-American Parliamentary Group visited New Hampshire to see first-hand what actions the state was taking to address climate change and to exchange ideas on how to tackle this important global issue. The cross-party delegation discussed topics such as the importance of tackling climate change, the UK experience with cap and trade programs, and the advantages of taking early action to reduce greenhouse gases, particularly in promoting new business opportunities.

New Hampshire Picked for Exclusive EPA Grant.

On December 20 DES announced that New Hampshire was one of three states selected to receive federal assistance to address the challenges posed by growth with respect to protecting water resources. The assistance would primarily come in the form of technical expertise from four national organizations. The expert assistance was provided through a grant from the U.S. Environmental Protection Agency. New Hampshire's application was prepared by DES and OEP and supported by Gov. John Lynch as well as legislative leaders, other state agencies and statewide conservation groups. Maine and Ohio were the other two states chosen for this competitive grant.



Venture Construction Fined for Hazardous Waste Violations. On December 20 the Merrimack County Superior Court approved a settlement between the state and Venture Construction Inc., to resolve violations of the state's hazardous waste laws. Venture Construction agreed to pay a \$157,500 cash civil penalty to resolve the state's lawsuit. In the suit, the state alleged that Venture Construction violated state laws by transporting and storing hazardous waste without a permit and failing to properly manage hazardous waste at its Pembroke facility.

JANUARY-FEBRUARY 2008

Rochester Agrees to Pay Fine For Burning Down Buildings Without Conducting Asbestos Inspections. On January 22 DES Commissioner Tom Burack announced the execution of an Administrative Fine by Consent with the city of Rochester. The settlement resolved violations of the state's Air Pollution Control Act that occurred on February 21, 2007, when Rochester Fire Department burned down four buildings owned by the Rochester School District. Despite state law, the Rochester Fire Department failed to notify DES prior to the burning of the buildings. They also acknowledged that the buildings were burned to dispose of them, rather than to conduct firefighting training.

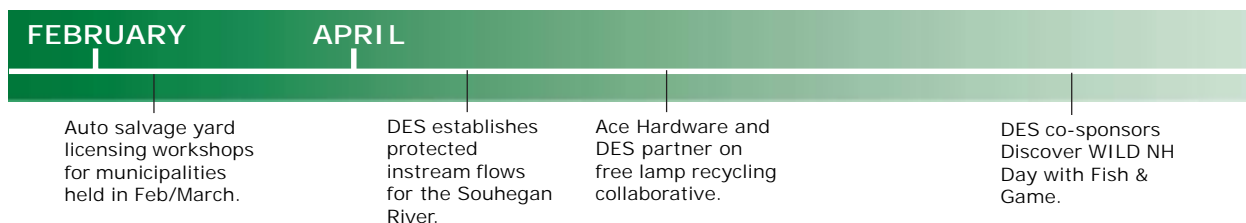
Federal Court of Appeals Sides with States on Mercury Emissions. On February 8, Attorney General Kelly Ayotte and DES Commissioner Tom Burack announced that a federal appeals court agreed with New Hampshire and a coalition of states, cities and environmental groups that the US Environmental Protection

Agency violated federal law when it adopted lax mercury emission limitations for power plants.

Earlier that day the U.S. Court of Appeals for the District of Columbia Circuit had rejected two EPA rules that would have established a "cap and trade" program for mercury emissions from power plants. New Hampshire and others had challenged the rules as being illegal under the federal Clean Air Act, which requires strict limits on toxic pollutants like mercury. The federal appeals court agreed and found that EPA had illegally excluded power plants from a list of pollution sources that required each plant to have strict controls. As a result, the court vacated the two rules that would have allowed power plants to avoid installing pollution controls by trading emission credits under a national emissions cap.

DES and NH Marine Trades Assoc. Workshop. On February 15, DES and the New Hampshire Marine Trades Association held a workshop for marina owners and operators, marine contractors, and other interested parties. The workshop consisted of two informative tracks, including information on the changes to the Comprehensive Shoreland Protection Act, stormwater management, boat washing and hazardous waste issues. Attendees had the opportunity to network with DES and EPA staff, dealers, vendors, and their colleagues involved in the marine industry.

Star Island Corporation Agrees to Pay \$3,200. On February 20, DES Commissioner Tom Burack announced the execution of an Administrative Fine by Consent with Star Island Corporation of Portsmouth, a non-profit organization that



maintains Star Island, one of the Isles of Shoals. The settlement resolved violations of the state's Air Pollution Control Act that occurred at the Star Island hotel and convention facility. Under the terms of the settlement, Star Island Corporation agreed to pay fines of \$3,200 to the state for permit and reporting/recordkeeping violations. DES agreed to suspend \$1,450 of those fines and will waive the suspended portion if Star Island Corporation does not violate its DES air permit or the Act for a period of two years.

Auto Salvage Yard Licensing Workshops for Municipalities. During the months of February and March, DES and the Local Government Center provided free training to help local officials meet their responsibilities under RSA 236:111-129 for licensing auto salvage yards. The workshops were excellent opportunities for local officials to obtain important information about state and local licensing requirements, applicable environmental rules and regulations, best management practices for environmental rules and regulations, best management practices for environmental protection, auto salvage yard inspection, and compliance and enforcement methods.

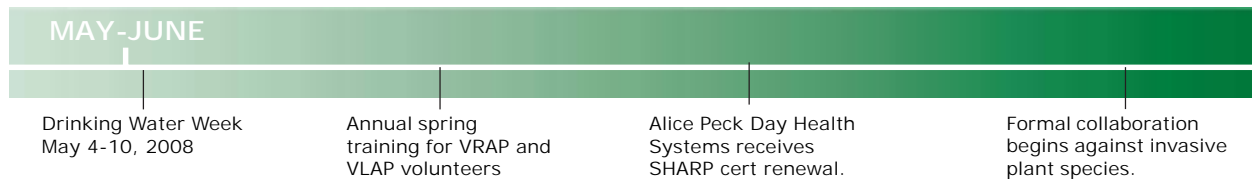
APRIL 2008

DES Establishes Protected Instream Flows for the Souhegan River. On April 1 DES approved the establishment of protected instream flows for the Souhegan Designated River. The Souhegan River Instream Flow project is the first study to recommend protected instream flow values under the Rivers Management and Protection Act. "Establishing the Protected Flows on the Souhegan River signals a vital

step toward protecting New Hampshire's riverine resources for their many uses," said DES Commissioner Tom Burack. "New Hampshire's approach has been unique in describing instream flows that protect the range and variability of stream flow to maintain its natural condition. This process will move forward with the continued support and involvement of the many stakeholders who have assisted in this program."

Ace Is The Place for Free Lamp Recycling. Ace Hardware and DES partnered to create a program that allows homeowners and small businesses to have a convenient way to recycle used fluorescent lamps. Although fluorescent lamps save energy, they also contain a small amount of mercury. Mercury is highly toxic and can harm the environment and health of those exposed when improperly disposed. To keep mercury out of the environment, homeowners and small business owners can now bring their spent lamps to any participating Ace Hardware store, where the lamps will be collected and properly recycled at no cost to the consumer.

Discover WILD New Hampshire Day 2008. On April 26 DES joined with the New Hampshire Fish and Game Department in co-sponsoring Discover WILD New Hampshire Day. Each year the festival draws thousands of people to share the joy of nature. There were more than 35 outdoor, wildlife, environmental and conservation groups from around the state presenting exhibits and demonstrations throughout the day. The outdoor celebration marked its 19th anniversary this year. Fish and Game began the festival in 1989 as an observance



of Earth Day and a celebration of the state's wealth of natural resources and outdoor opportunities. While having participated in the event for several years, this was the first year that DES co-sponsored the festival.

MAY-JUNE 2008

Drinking Water Week 2008. National Drinking Water Week was held this year from May 4-10. To honor one of New Hampshire's most precious resources, the New Hampshire Drinking Water Week Coalition, in conjunction with DES, sponsored a water festival on May 7 at the Massabesic Audubon Center in Auburn. Over 400 fourth grade students from Manchester attended.

Annual Training for Volunteer River and Lake Monitors. In May the DES Volunteer River Assessment Program offered volunteer training for people interested in determining the health of their local or nearby river or stream. During the VRAP training, volunteers were shown monitoring protocols and sampling techniques, had an opportunity for hands-on use of the VRAP equipment, and received instruction on how to collect samples for laboratory analysis. Topics also included a discussion of the importance of typical water quality monitoring parameters and applicable state standards, calibration and meter checks, quality assurance and quality control, sample collections for field laboratory analysis, and sampling techniques.

On May 17 and May 31 DES's Volunteer Lake Assessment Program hosted its annual training workshops. Participants learned about VLAP and how they could become part of this important program that helps

monitor the state's water quality. Volunteers were taught how to identify aquatic plants and how to utilize lake sampling techniques, and learned of New Hampshire's latest aquatic threats: cyanobacteria and invasive rock snot. A representative of the Loon Preservation Committee also addressed the volunteers.

Alice Peck Day Health Systems Receives SHARP Cert Renewal. A continued focus on the safety of its employees and staff earned Alice Peck Day Health Systems a renewal of its national SHARP status. On May 19 DES granted APD a three-year renewal of the Safety and Health Achievement Recognition Program (SHARP) award, a program initiated by the national Occupational Safety and Health Administration. The SHARP award recognizes exceptional workplace safety and health programs. The SHARP award is given on behalf of the federal OSHA Region 1 office to companies that have implemented exceptional workplace safety and health programs. Alice Peck Day Health Systems is among a select few New Hampshire companies to be recognized with the SHARP award.

Formal Collaboration Begins Against Invasive Plant Species. On May 20, 11 state and federal agencies and nonprofit conservation groups announced the Coastal Watershed Invasive Plant Partnership. The new partnership's goal is to cooperate on assessing the extent and controlling invasive species in New Hampshire's coastal watershed, an area spanning 42 towns in Strafford and Rockingham counties.

With the signing of the official agreement, a strong alliance was formed to

MAY-JUNE

DES warns boaters not to pollute while refueling.

Red tide hits coastal shellfish.

DES participates in national rivers survey.

stop the spread of invasive plants in New Hampshire's Seacoast region. Native plants are being strangled, choked, shaded-out, or toppled by invasive shrubs, vines and trees. Invasive plants know no boundaries. They span landscapes and properties, making collaboration essential. In addition to the signing members, organizations, landowners and municipalities will participate in CWIPP, bringing together resources and expertise to complete invasive species management projects and restore native habitats.

DES Warns Boaters Not to Pollute While Refueling. In late May DES alerted boaters to use caution when re-fueling their vessels to prevent polluting New Hampshire's water bodies. As the summer approached, recreational activities sustained by New Hampshire water sources increased. Boaters were urged to make use of the designated fuel stations at marinas whenever possible. These locations are specifically equipped for fueling, spill prevention, and spill reporting procedures.

Red Tide Hits Coastal Shellfish. In May officials from DES and the Fish and Game Department closed New Hampshire's Atlantic coastal waters, and the waters of Hampton/Seabrook Harbor, to the taking of all species of molluscan shellfish (mussels, clams and oysters). This action was in response to elevated levels of paralytic shellfish poisoning, or PSP, commonly known as "red tide," which was detected in blue mussels collected from the Isles of Shoals and from Hampton/Seabrook Harbor.

DES Participates in National Rivers Survey. DES began work this summer on an EPA-sponsored project to characterize the condition of the nation's flowing waters. The

survey uses a random sampling design to complete a statistically valid assessment of all flowing waters. DES is committed to sample 16 rivers and streams from across New Hampshire in 2008 and 2009. These data will be combined with data from over 1,800 other sites nationwide to provide the most comprehensive and coordinated snapshot evaluation to date of the rivers and streams in the US using a consistent sampling protocol. Components of the project include water chemistry, physical habitat, structure and composition of biological communities, fish tissue, and bacteriological samples. Once field work for the national sites is completed, DES staff will sample 34 additional sites in order to complete a statewide assessment of the state's rivers and streams. A report on these results is expected to be available in 2012.

Further information on DES activities in FY2008 and in the current year may be found at www.des.nh.gov.



Summary of 2008 Environmental Legislation Tracked by NHDES

Adopted in the 2008 New Hampshire Legislative Session

HOUSE BILLS

HB 295 Chapter 113 Effective: August 2, 2008

Relative to the fuel quality standards and testing requirements for combustion of biomass and biomass fuels.

- Authorizes the DES commissioner to establish fuel quality standards and testing requirements for biomass and eligible biomass fuel as defined in the bill, related to the combustion of such materials at stationary sources.
- Clarifies the definition of “provider of electricity” under RSA 362-F, relative to electric renewable portfolio standard, by excluding municipal suppliers.

HB 310 Chapter 357 Effective: I. §1-3, July 11, 2009; II. Remainder July 11, 2008

Allowing municipalities to regulate small wind energy systems.

- No direct impacts on DES.

HB 415 Chapter 19 Effective: §2, July 2, 2011; remainder July 11, 2008

Establishing a geothermal assessment project.

- Requires the state geologist to conduct a geothermal assessment project.
- Requires the reporting of geologic information by persons installing geothermal systems or exploring hydrothermal or geothermal resources.

HB 837 Chapter 136 Effective: August 5, 2008

Relative to easement interests under the LCHIP program.

- Restricts term easements used in the LCHIP to those that are a part of a farm viability program.
- No direct impact on DES.

HB 877 Chapter 359 Effective: September 9, 2008

Relative to the state recycling program.

- Requires each state agency to recycle recyclable waste materials.
- Requires each agency to work toward 100 percent recycling of waste, with the goal of maximizing savings and lowering environmental impacts.
- Requires each agency to submit to the director of the division of plant and property management a plan for a recycling program, which should be submitted two months before the agency's submission for budgeting purpose.

HB 1171 Chapter 242 Effective: June 24, 2008

Establishing a commission to study air quality issues in public school buildings.

- Requires the DES commissioner to appoint a DES staff member with expertise in air quality issues to serve on the commission.
- Requires the commission to report its findings and any recommendation on or before November 1, 2009.

HB 1191 Chapter 64 Effective: July 20, 2008

Relative to environmental investigations in tax lien and tax sale proceedings.

- Clarifies the authority for conducting environmental investigations prior to or in conjunction with tax lien and tax sale proceedings.
- No direct impact on DES.

**HB 1202 Chapter 279 Effective: I. §10 and 11, June 27, 2008;
II. Remainder July 1, 2009**

Relative to monitoring privately owned water distribution programs and defining "eligible regional water system costs" for public water supplies.

- Subjects privately owned redistribution systems to certain provisions of the Safe Drinking Water Act.
- Defines "eligible regional water system costs" for aid to public water systems.
- Amends sections of RSA 485 to require DES to monitor privately owned water distribution systems, and to review the design of proposed and the alteration of existing privately owned redistribution systems that involve more than 500 feet of new installation of distribution piping or the addition of new exterior pumping or storage facilities.

HB 1215 Chapter 28 Effective: July 1, 2008

Relative to the NH-VT interstate waste compact.

- Repeals the New Hampshire-Vermont interstate waste compact.

HB 1226 Chapter 243 Effective: August 23, 2008

Allowing the town of Bristol to establish a capital reserve fund for use by the water works and sewer department and relative to applying municipal budget law to municipalities adopting, revising or amending charter by official ballot town meeting or town council.

- No impacts to DES.

HB 1278 Chapter 69 Effective: July 20, 2008

Relative to the purchase of computer services and supplies for state agencies.

- Clarifies the procedure by which the division of plant and property management purchases computer services and supplies, including maintenance agreements for such supplies, on behalf of state agencies.

HB 1295 Chapter 71 Effective: May 21, 2008

Establishing a commission to study issues relating to stormwater.

- Requires the DES commissioner or designee to serve on the commission.
- Requires the commission to make an interim report on or before November 1, 2008, with a final report on or before November 1, 2009.

HB 1332 Chapter 286 Effective: August 26, 2008

Defining "hauler" of solid waste and requiring haulers to register with DES, and relative to the weight and measurement of solid waste.

- Defines "hauler" of solid waste.
- Requires haulers to register with DES.
- Allows the commissioner of agriculture, markets and food to make rules regarding the exemptions of solid waste from inspection requirements of RSA 438:14.

HB 1338 Chapter 73 Effective: July 20, 2008

Establishing an arboviral illness task force and relative to mosquito control and abatement.

- Establishes an arboviral illness task force, which shall include a representative from DES as designated by the commissioner.
- Expands the mosquito control and abatement activities that are eligible for funding.
- Revises the duties of the state committee on mosquito control.

HB 1346 Chapter 287 Effective: June 27, 2008

Relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

- Clarifies the authority for municipalities to regulate junk dealers, scrap metal dealers and pawnbrokers.

HB 1349 Chapter 150 Effective: June 6, 2008

Relative to membership on the council on resources and development.

- Permits members of the council on resources and development, which includes the DES commissioner, to appoint a designee to serve in his or her position on the council.

HB 1353 Chapter 176 Effective: August 10, 2008

Extending the commission to study issues relative to groundwater withdrawal.

- Expands the duties of the commission.
- Extends the commission until 2010.

HB 1367 Chapter 177 Effective: June 11, 2008

Relative to the conversion to a new state financial accounting and statewide budget system.

- Provides the authority and oversight for the conversion to a new statewide budgeting, accounting and financial and human resources management system.
- Repeals certain budget and federal aid requirements.

**HB 1374 Chapter 361 Effective: I. §16 as provided in §17;
II. Remainder July 11, 2008**

Relative to the homeland security and emergency management responsibilities of the dept. of safety and the use of interpreters in court-authorized wiretaps.

- Establishes the division of homeland security and emergency management in the dept. of safety.
- Requires the DES commissioner, or designee, to serve on the advisory council on emergency preparedness and security.
- Requires the DES commissioner to designate a representative from the DES environmental health program and a representative from the DES waste management division to also serve on the advisory council on emergency preparedness and security.

HB 1405-FN Chapter 362 Effective: August 10, 2008

Regulating outdoor wood-fired hydronic heaters.

- Creates a new chapter, RSA 125-R, which establishes requirements for the sale, installation and use of outdoor wood-fired hydronic heaters.
- Authorizes DES to enforce the provisions of this chapter.

HB 1408 Chapter 303 Effective: I. §8 as provided in §9; II. Remainder July 1, 2008

Relative to the right-to-know law.

- Clarifies the manner in which the right-to-know law applies to both governmental records kept in electronic form and electronic communications used to transact governmental business.
- Clarifies communications outside a meeting for the purposes of RSA 91-A.

HB 1412 Chapter 218 Effective: June 16, 2008

Establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles.

- There is no official role assigned to DES. However, the agency is interested in the purchase/leasing of energy efficient vehicles.

HB 1426-FN Chapter 249 Effective: July 1, 2008

Relative to motor fuel import fees.

- Consolidates two separate cleanup accounts in the Oil Discharge and Disposal (ODD) Cleanup fund (RSA 146-G) into a single account.

- Extends the lapse dates of the ODD fund and the gasoline remediation and elimination of ethers fund.

HB 1434 Chapter 182 Effective: §9 as provided in §11; Remainder June 11, 2008

Relative to the Regional Greenhouse Gas Initiative and authorizing cap-and-trade program for controlling carbon dioxide (CO₂) emissions.

- Authorizes a cap-and-trade program for CO₂ emissions pursuant to the regional greenhouse gas initiative.
- Establishes an energy conservation and efficiency board to be administered by the Public Utilities Commission.
- Authorizes DES to establish and enforce a CO₂ emissions budget trading program.
- DES shall report annually to the air pollution advisory committee under RSA 125-J:11.

HB 1468 Chapter 290 Effective: June 27, 2008

Establishing a mosquito control policy for state-owned lands.

- Establishes a state mosquito control policy for lands managed by state agencies.
- Impacts lands owned and managed by DES.
- DES's interest includes the application of control agents in and around wetlands and water bodies.

**HB 1471 Chapter 363 Effective: I. §4 and 6, July 11, 2008;
II. §2 and 5 as provided in §6;
III. Remainder September 9, 2008**

Relative to time limits for excavating and dredging permits and directing the DES to make legislative proposals regarding solid waste amendments.

- Expands the time limits for excavating and dredging permit applications.
- Directs DES to prepare legislative proposals for 2009 session addressing issues in solid waste management including but not limited to:
 - Source reduction; recycling and reuse; composting; waste-to-energy technologies; incineration without resource recovery; and landfilling.
 - Establishing a new timetable for a higher but achievable waste diversion goal.
 - A plan that will ensure capacity for disposal of New Hampshire waste.
 - Recommendations for strengthening and streamlining the procedures for development and formation of regional solid waste districts.
 - DES shall report its findings and recommendations for proposed legislation on or before December 1, 2008.

HB 1502-FN Chapter 259 Effective: June 26, 2008

Establishing a commission to develop alternatives to the disposal of medical sharps in household waste.

- Establishes a commission which shall include the DES commissioner, or designee.
- Requires the commission to report its findings on or before April 1, 2009.

HB 1505-FN Chapter 186 Effective: June 11, 2008

Establishing the NH birth conditions program.

- DES Environmental Health Program will participate where applicable.

HB 1561 Chapter 292 Effective: October 1, 2008

Establishing an energy efficiency and sustainable energy board.

- Creates a board to promote and coordinate energy efficiency, demand response, and sustainable energy programs in the state to be administered by the Public Utilities Commission.
- Requires the DES commissioner, or designee, to be a member of the board.

HB 1568-FN Chapter 161 Effective: January 1, 2009

Relative to endangering the public water supply.

- Increases the criminal penalty for public water system operators to a class B felony for knowingly furnishing a polluted public water supply for every day he/she continues to furnish

water after the order of the DES has been served on such person.

HB 1573-FN Chapter 293 Effective: June 27, 2008

Relative to hazardous and dilapidated buildings.

- Permits municipalities to place a lien on real property and on the property owner's interest in the proceeds of certain property insurance, to recover the costs of correcting hazardous conditions.
- No direct impact on DES.

HB 1579-FN Chapter 294 Effective: I. §7, July 1, 2008, 12:01 a.m.;

II. Remainder June 27, 2008

Establishing a commission to study issues relating to land development and land development regulation in NH and establish a surcharge on certain documents related to real property.

- Establishes a commission which shall include the DES commissioner, or designee.
- Directs the commission to study:
 - The effects of land development on surface and ground water quality and quantity, and terrestrial and aquatic habitat.
 - The adequacy and consistency of local, state, and federal programs as they related to the regulation and management of land development, including regulations of wetland buffers and setbacks, stormwater management, and cumulative effects of development.
 - The opportunities for integration of land use controls, open space protection techniques, and environmental and public health protection laws to promote smart growth.
 - The potential obstacles for creating an integrated approach to land development.
 - The commission shall make an interim report on or before November 1, 2008, and a final report on or before November 1, 2009.

HB 1581-FN Chapter 295 Effective: August 26, 2008

Relative to the formation of stormwater utility districts.

- Permits the governing body of municipalities to establish utility districts to construct and maintain stormwater systems.

HB 1584-FN Chapter 33 Effective: May 12, 2008

Creating a commission to study the recycling and disposal of electronic waste.

- Establishes a commission which shall include a member from the DES waste management division, appointed by the DES commissioner.
- The commission shall report its findings and recommendations on or before December 1, 2008.

HB 1594-FN Chapter 365 Effective: July 11, 2008

Establishing a commission to study the current methods of funding the hazardous waste and hazardous materials program in NH.

- Establishes a commission which shall include the DES commissioner, or designee.
- Directs the commission to study current funding methods for hazardous waste programs, and to study the organizational structure of the regional hazardous response teams and their relationship to the state fire marshal's office.

HB 1601-FN Chapter 5 Effective: §1 and §5-11, May 1, 2008;

II. §27, July 1, 2011; III. Remainder July 1, 2008

Relative to funding for certain capital projects of the Pease development authority, relative to reporting dates for the instream flow pilot program, and relative to certain requirements of the Comprehensive Shoreland Protection Act.

- Extends the reporting dates for the instream flow pilot program as follows:
 - By April 1, 2009 conduct protected instream flow studies and submit a report that details the results of science for the pilot program.
 - By October 1, 2009 adopt and implement the protected instream flows and water management plans relative to the Lamprey River and the Souhegan River.

- By December 1, 2010 submit a report that details the activities and results of the pilot program.
- Amends several requirements of the comprehensive shoreland protection act.

HB 1628 Chapter 368 Effective: July 11, 2008

Relative to renewable energy generation incentive programs.

- Authorizes the PUC to make a one-time payment from the renewable energy fund to certain owners of small renewable generation facilities.
- Increases payment rates for the renewable energy fund for the calendar year 2008.
- No direct impact on DES.

HB 1631-FN Chapter 85 Effective: January 1, 2009

Relative to the state purchase of biodiesel fuels.

- Requires DOT and the division of plant and property management to purchase fuels that contain a certain amount of biodiesel.

HB 1632 Chapter 188 Effective: June 11, 2008

Relative to continuing the commission to study the production and distribution of biodiesel in NH.

- Continues the biodiesel study commission.

HB 1635 Chapter 191 Effective: August 10, 2008

Relative to permits for motor vehicle salvage facilities and motor vehicle crushers.

- Requires DES to establish general permits for maintaining and operating a motor vehicle salvage facility and operating a motor vehicle crusher, which shall contain terms and conditions such as, but not limited to: fluids, including gasoline, oil, antifreeze and other regulated substances; solid waste; hazardous waste; universal waste; refrigerants and other potential air pollutants; and other regulated substances, materials, and waste.

HB 1636 Chapter 164 Effective: August 5, 2008

Relative to automotive recycling.

- Clarifies certain laws regarding junk yards and automotive recycling yards by eliminating out of date terminology.

HB 1641 Chapter 165 Effective: July 1, 2008

Relative to collections and refunds of road tolls.

- Amends RSA 260 by inserting section 56-a authorizing the departments of Safety and Revenue Administration to enter a Memorandum of Understanding to facilitate the sharing of road toll information relative to persons liable for motor fuel distributor tolls and oil pollution and control fees and to reduce the duplication of auditing effort as much as practicable.
- No direct impact on DES.

HB 1647-FN Chapter 166 Effective: July 1, 2008

Relative to demand response program revenue.

- Establishes a fund for demand response program revenue to be used for energy efficiency projects, energy efficiency contracts, and demand response program expenses.
- No direct impact on DES.

SENATE BILLS

SCR 10

Urging the NH congressional delegation to actively seek an increase in federal funding for wastewater treatment facility improvements.

SB 158 Chapter 337 Effective: September 5, 2008

Relative to review of activities affecting surface waters.

- Requires DES to certify that certain activities that result in discharges to or withdrawals from surface waters comply with NH water quality standards.
- Makes NH statutes consistent with section 401 of the Clean Water Act for activities requiring federal permits or licenses, and extends the review to activities requiring registration under RSA 488:3.

SB 259 Chapter 310 Effective: January 1, 2009

Establishing state appliance and equipment energy efficiency standards.

- Establishes energy efficiency standards that certain appliances and equipment must meet to be sold or installed in NH.
- No direct impact on DES.

SB 328 Chapter 169 Effective: January 1, 2009

Relative to civil forfeitures for certain waste disposal violations.

- Raises the limit for civil forfeitures for certain waste disposal violations under RSA 485-A.

SB 332 Chapter 262 Effective: August 26, 2008

Prohibiting the disposal of human remains through a reductive process utilizing alkaline hydrolysis in NH and establishing a committee to examine the practice of resomation.

- No direct impact on DES. The committee may look to DES for assistance on aspects of this issue.

SB 352-FN Chapter 171 Effective: §1-20 as provided in §21; Remainder June 6, 2008

Relative to shoreland protection.

- Gives the wetlands council jurisdiction over appeals of DES decisions relating to protected shorelands.
- Requires that certain percentages of vegetation within the natural woodland buffer remain unaltered.
- Allows the use of certain herbicides within a waterfront buffer with a special permit.
- Requires that shoreland permit applicants provide notice to abutters.
- Extends the reporting dates for the instream flow pilot program.
- Integrates the provisions of HB 1601-FN into the provisions of this bill.

SB 358 Chapter 315 Effective: August 31, 2008

Relative to mooring permits.

- Authorizes the Dept. of Safety to adopt rules requiring mooring permits on public waters.
- Requires the Dept. of Safety to hold a public hearing while determining to grant a petition submitted for a mooring permit; in the department's determination the following factors shall be considered, but not limited to:
 - Size of the water body.
 - The environment and water quality.
 - Threatened and endangered species.
- No direct impact on DES.

SB 361 Chapter 329 Effective: July 3, 2008

Relative to the widening of I-93.

- Directs Dept. of Transportation to expedite completion of the widening of I-93 once work has commenced on any one of the construction projects.

SB 368 Chapter 41 Effective: July 11, 2008

Relative to exemptions for toxics reduction in packaging.

- Extends an exemption for vitrified labels in toxics reduction in packaging but excludes mercury.

SB 384 Chapter 349 Effective: January 1, 2009

Relative to the repair of septic systems prior to the sale of waterfront property.

- Adds a section to the site assessment study.
- Requires a septic disposal system designer to report remedial actions to DES and the local health officer.
- Defines “developed waterfront property” and septic system “failure.”
- Prescribes continuing education requirements for septic system designers and installers.

SB 403 Chapter 266 Effective: §1 & §2 as provided in §3; Remainder June 26, 20008

Relative to the commission to study issues relating to storm water.

- Clarifies the membership of the commission to study issues relating to stormwater enacted by HB 1295.

SB 422 Chapter 269 Effective: August 25, 2008

Adding an energy section to zoning and planning master plans.

- Adds an energy section to zoning and planning master plans, which includes an analysis of energy and fuel resources, needs, scarcities, costs, and problems affecting the municipality and a statement of policy on the conservation of energy.
- No direct impact on DES.

SB 451 Chapter 373 Effective: September 9, 2008

Authorizing rate recovery for electric public utilities investments in distributed energy resources.

- Authorizes rate recovery for electric public utilities investments in distributed energy resources.
- Exempts rural electric coops from the requirements for PUC authorization.
- No direct impact on DES.

SB 519 Chapter 272 Effective: January 1, 2009

Imposing a per diem fine on dam owners and operators for failure to repair damage.

- Imposes a fine on dam owners and operators for failure to repair damage.
- Establishes a fund for revolving loans for dam maintenance.

SB 522 Chapter 381 Effective: January 1, 2009

Relative to licensing requirements for small quantity biodiesel producers and distributors and prohibiting the sale or delivery of biodiesel not meeting the state ASTM standard.

- Requires certain distributors of biodiesel to be licensed by the Dept. of Safety.
- Prohibits the sale or delivery of biodiesel not meeting the ASTM standard within the state.
- Requires biodiesel distributors to keep certain records.
- No direct impact on DES.

SB 523 Chapter 110 Effective: July 27, 2008

Relative to requirements for the estuary alliance for sewage treatment to take and hold land.

- Requires land taken and held by the estuary alliance for sewage treatment to be within the boundaries of municipalities that are members of the alliance.
- No direct impact on DES.

SB 528 Chapter 383 Effective: July 11, 2008

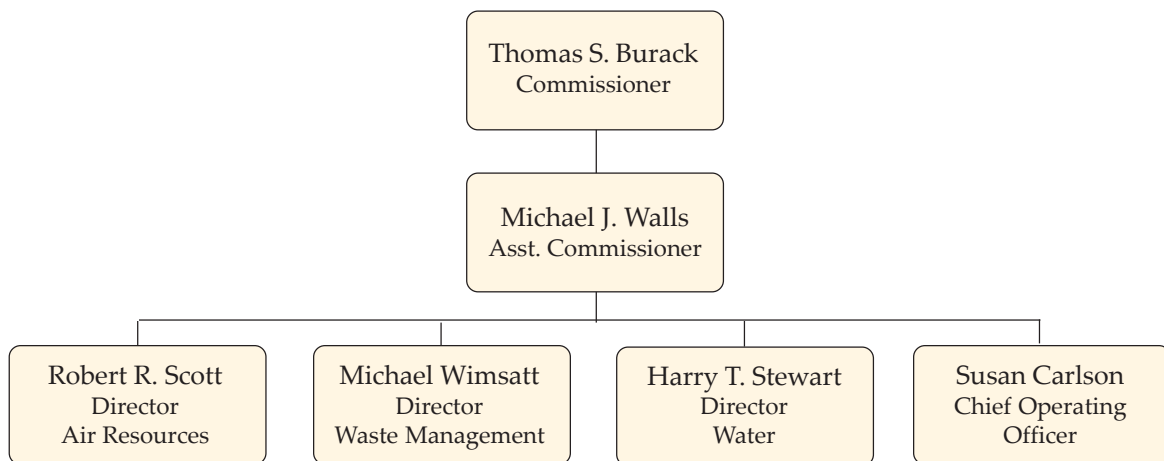
Relative to a mercury-added thermostat collection program.

- Establishes a mercury-added thermostat collection program under the auspices of DES.

Organizational Charts

N.H. Department of Environmental Services

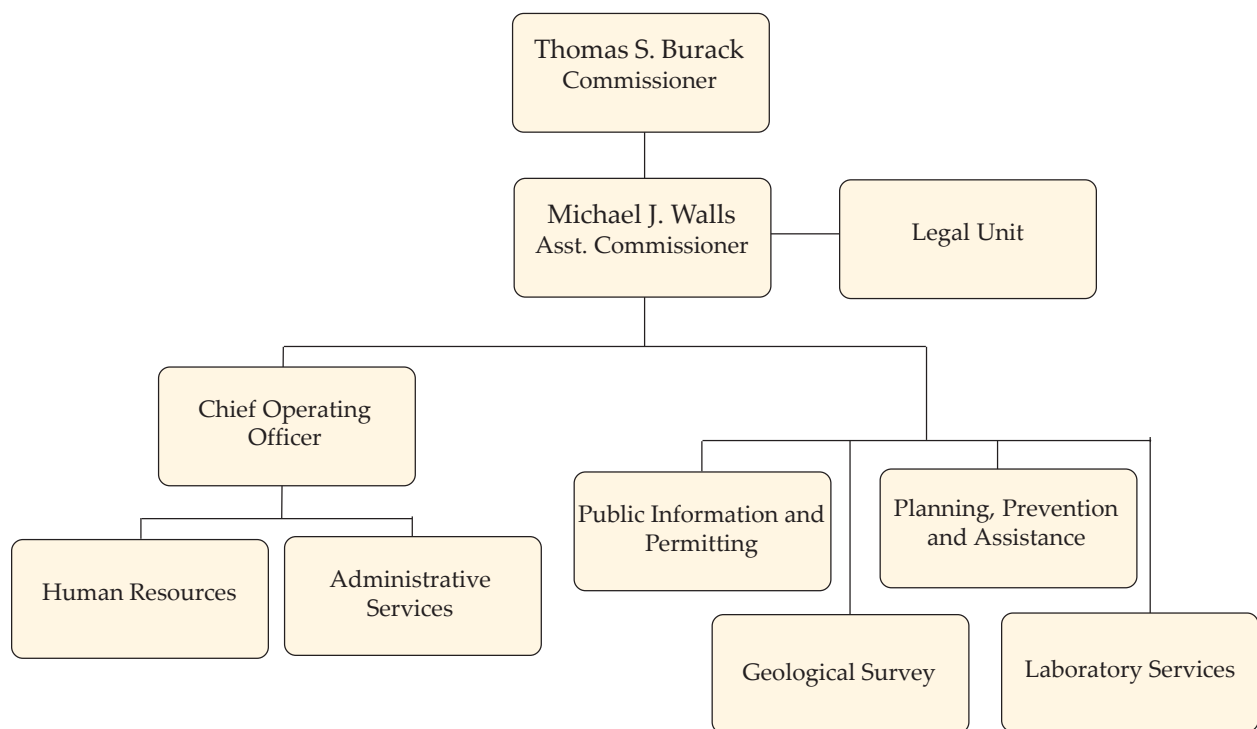
June 30, 2008



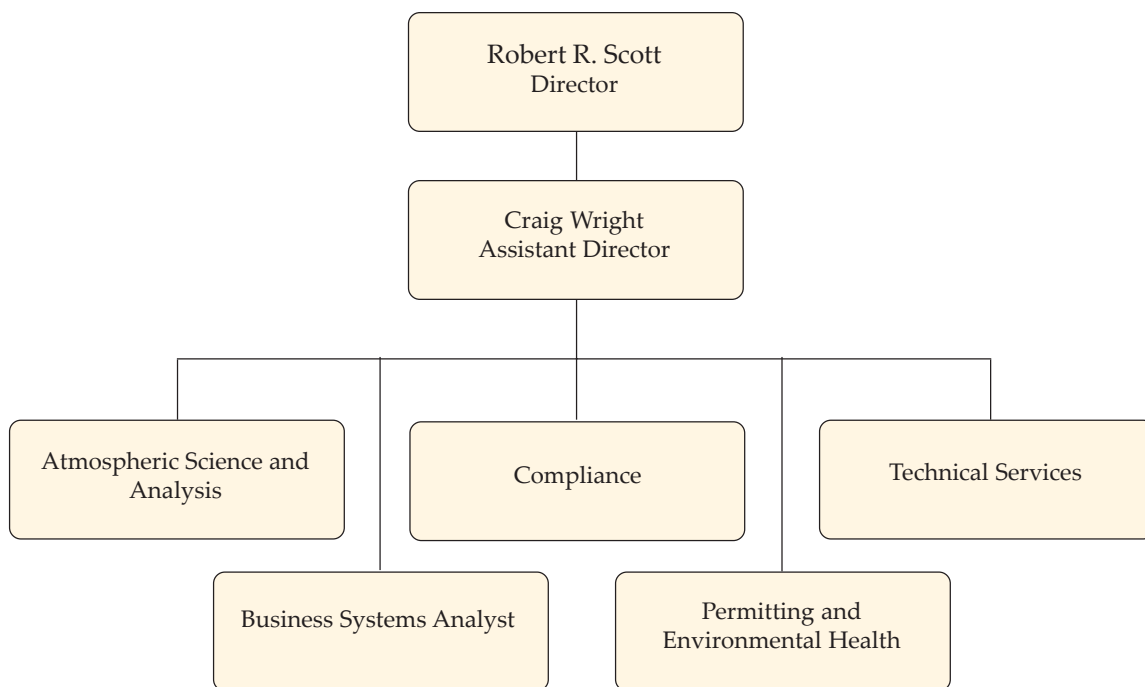
N.H. Department of Environmental Services

Office of the Commissioner

June 30, 2008



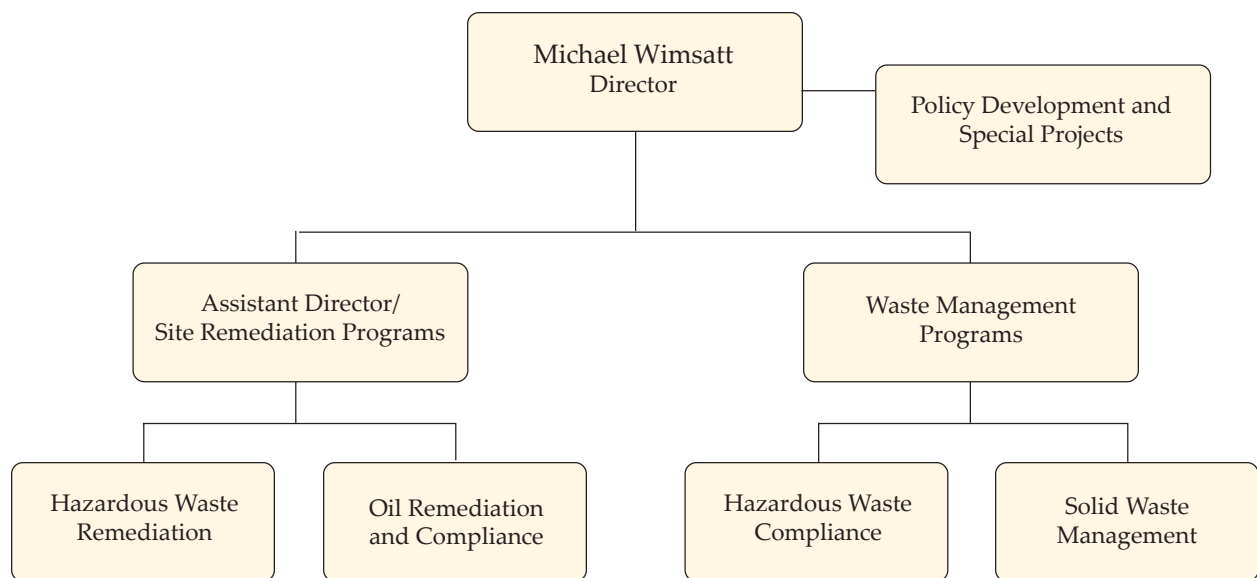
**N.H. Department of Environmental Services
Air Resources Division
June 30, 2008**



N.H. Department of Environmental Services

Waste Management Division

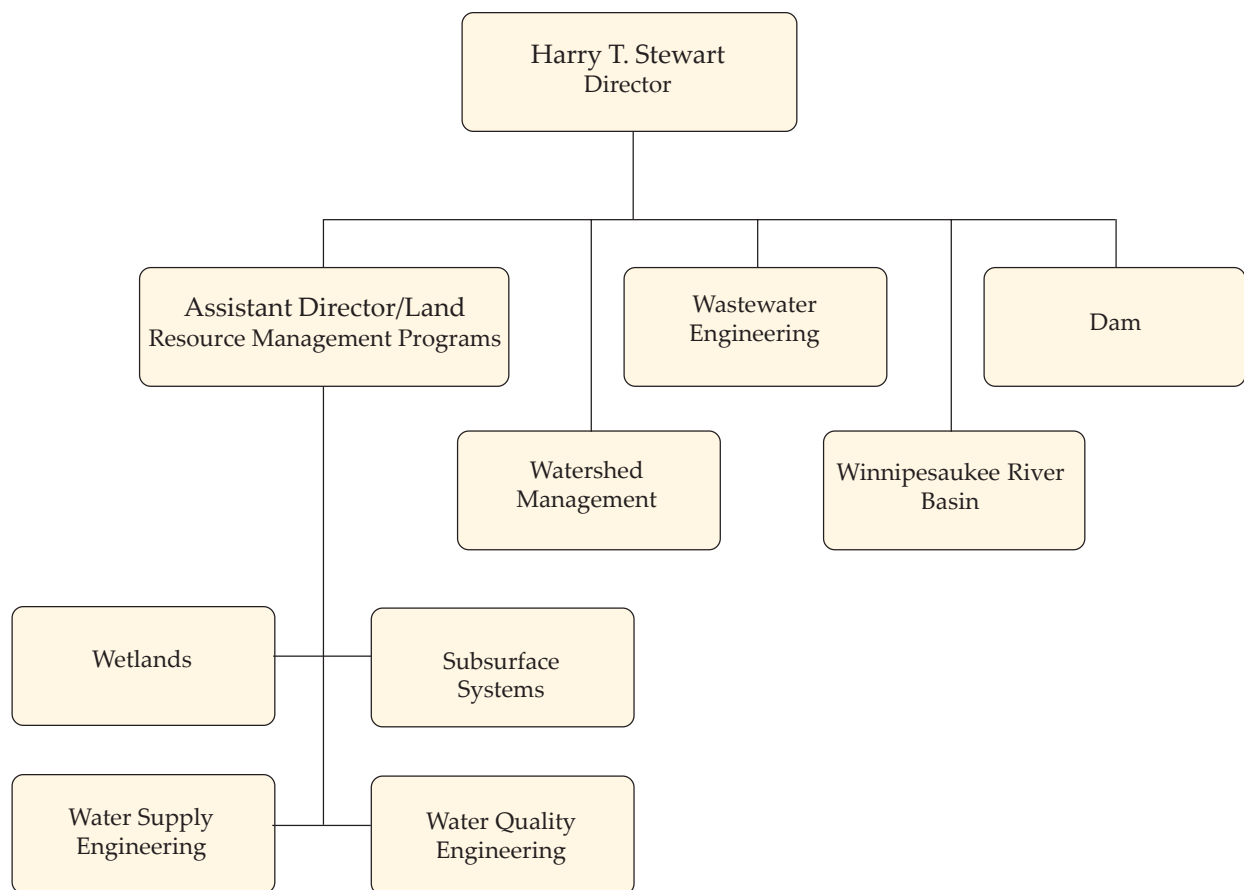
June 30, 2008



N.H. Department of Environmental Services

Water Division

June 30, 2008



Receipts and Expenditures for Fiscal Year 2008

Income and General Fund Appropriations

General Fund Appropriations	\$31,115,069
Fees and Registrations	31,977,739
State Revolving Fund Loan Repayments	36,939,684
Federal Income	30,305,009
Other Agency Income	7,842,929
Unrestricted Income	<u>1,983,231</u>
	<u>\$140,163,660</u>

Expenditures

Salaries and Benefits		\$34,563,808
Salaries	\$24,660,543	
Benefits	9,903,265	
State Revolving Fund Loans		\$37,641,063
Oil Fund Board Disbursements		15,086,740
State Aid Grants		15,030,793
Disbursements to State Agencies		8,033,044
OIT	2,530,242	
General Services	2,004,835	
Administrative Services	2,046,214	
Attorney General	360,783	
Telecommunications	248,188	
Safety	295,516	
Mail Room	138,793	
Graphic Services	100,372	
Transportation	117,065	
All others (under \$100,000)	191,037	
Current Expenses		2,504,762
Other Expenditures		3,067,778
Hazardous Waste Cleanup		1,155,510
Equipment		1,551,439
Debt Service		926,760
Travel		<u>221,303</u>
		<u>\$119,783,001</u>

Disbursements to Cities and Towns

State Revolving Fund Loans		\$37,641,063
Clean Water	\$23,238,600	
Drinking Water	13,339,877	
Brownfields	1,062,586	
State Aid Grants		15,030,793
Waste Water	10,820,00	
Landfills	1,944,036	
Water Filtration	1,387,255	
Water Supply Land	772,093	
Interconnection Grants	107,409	
Other State Aid		457,275
Aquatic Weed Grants	330,798	
Household Hazardous Waste Grants	95,971	
Used Oil Grants	30,506	
Total		\$53,129,131

DES Personnel Data

Current Number of Employees	FY 2007	FY 2008
Unclassified	8	6
Classified	460	467
Temporary	<u>4</u>	<u>1</u>
Total	472	474

DES Physical Plant & Property Appraisal

	FY 2007	FY 2008
Equipment	\$11,231,747	\$14,297,107
Motor Vehicles	2,342,245	2,462,313
Dams and Land	57,775,474	57,871,279
Buildings	<u>32,548,992</u>	<u>38,026,959</u>
Total	\$103,898,458	\$112,657,658